

Article 8. Subdivision Design and Improvements

8.1 Purpose

Notwithstanding the following two provisions, this article is reserved. All additional references to this article shall apply to Chapter 9 of the Code of Ordinances, Subdivisions.

8.2 Lot Line Construction

The following requirements apply to all single-family residential development.

A. Description

A zero lot line development is where houses in a development on a common street frontage are shifted or offset to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same time. Zero lot line developments are allowed by right. Review for compliance with the standards of this Section shall occur during the subdivision platting process. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.

B. Setbacks

The side building setback may be reduced to zero on one side of the house. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project. The reduced setback may be located anywhere between the lot line and the minimum setback required for the district. The minimum distance between all buildings in the development must be fifteen feet.

C. Additional Standards

1. Eaves

The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the plat and deed for the lot where the projection occurs.

2. Maintenance Easement

An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within four feet of the adjacent property line. The easement on the adjacent property must provide at least five feet of unobstructed space between the furthestmost projection of the structure and the edge of the easement. These easements must be shown on the recorded plat.

3. Privacy

If the sidewall of the house is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed. All materials within three feet of the property line shall be fire-rated to meet building code requirements.

8.3 Cluster Development

A cluster development is a residential subdivision in which the lots are allowed to be smaller (in area and width) than otherwise required for the underlying, base zoning district, but in which the overall density cannot exceed the maximum density limit for the underlying zoning district. Through the cluster development option, a subdivision can contain no more lots than would otherwise be allowed for a conventional subdivision in the same zoning district, but the individual lots within the development could be smaller than required in a conventional subdivision. Smaller lot sizes within a cluster development are required to be offset by a corresponding increase in open space.

A. Conflict with Other Regulations

If there is a conflict between the cluster development standards of this Section and any other requirement of this UDO, the standards of this Section control. Where no conflict exists, a cluster development is subject to all other applicable requirements of this UDO.

1. Where Allowed

Cluster developments are allowed in all zoning districts.

2. Approval Procedure

Cluster Developments are subject to the subdivision procedures set forth in herein.

3. Lot Size

There is no set minimum lot width or depth requirement within a cluster development; however, the lot size (area) may be reduced by up to 25 percent as long as individual lot sizes are adequate to meet all required density, district, and development standards.

4. Setbacks and Building Separations

The minimum setback standards of the base zoning district apply along the perimeter of a cluster development. All detached structures within a cluster development must be separated by a minimum distance of ten feet.

5. Open Space

a. On-Site Open Space

Cluster developments shall be subject to the minimum on-site open space standards of the base zoning district, if applicable.

b. Common Open Space

(1) Minimum Requirement. Common open space is required within a cluster development to ensure that the overall density within the development does not exceed the maximum density allowed by the underlying zoning district. Common open space must be provided in an amount at least equal to the difference between:

- (a)** The actual, average lot area per dwelling unit within the cluster development; and
- (b)** The required lot area per dwelling unit for conventional development within the underlying base zoning district.

- (2) Use of Common Open Space.** Common open space must be set aside and designated as an area where no development will occur, other than project-related recreational amenities or passive open space areas. The Planning and Zoning Commission may require that up to 50 percent of required common open space be useable recreational space, if deemed necessary by the Planning and Zoning Commission to ensure adequate recreational amenities for residents of the development.